



*Town of Milton*

115 Federal Street, Milton, Delaware 19968

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**ORDINANCE NO. 2023-005**

**AN ORDINANCE TO AMEND TOWN CODE, CHAPTER 220, ENTITLED "ZONING," REGARDING  
THE HISTORIC PRESERVATION OVERLAY DISTRICT**

**WHEREAS**, the Town Charter of the Town of Milton authorizes the Mayor and Town Council to provide for and preserve the health, cleanliness, ornament, good order and public welfare of the Town, its inhabitants and affairs; and

**WHEREAS**, the Town of Milton currently has Ordinances providing for proper zoning regulations; and

**WHEREAS**, the Charter of the Town of Milton vests power in the Mayor and Town Council to zone or district the Town and make particular provisions for particular zones or districts with regard to building or building material, and generally to exercise all powers and authorities vested in the legislative body of cities and incorporated towns under and by virtue of Chapter 3, Title 22 of the Delaware Code; and

**WHEREAS**, the Town Council has previously found it necessary for the aforementioned purposes to enact a zoning ordinance, codified as Chapter 220 of the Town Code; and

**WHEREAS**, pursuant to Chapter 220, the Town Council of the Town of Milton may, from time to time, on its own motion or on petition or upon recommendation by the Planning and Zoning Commission, amend, supplement or change the boundaries of the districts or the zoning regulations after public notice and hearing;

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, by the Town Council of the Town of Milton, a majority thereof concurring, that the following amendments be hereby incorporated into Chapter 220 of the Town Code:

Section 1. Amend § 220-21D(8) with deletions shown by strike-through and additions shown by underline as follows:

~~(8) HPC Chair and/or designated alternate HPC commissioner/Town staff review. for certain new construction. In certain circumstances, the Project Coordinator~~ The HPC Chair and/or alternate designated HPC commissioner and Town staff may ~~decide to unanimously~~ approve an HPC application without a formal hearing for projects that are estimated at less than \$3,000.00 and do not constitute a change to the exterior appearance of the structure, and using identical material including but not limited to:

- (a) Repair of existing windows or doors, including storm windows.
- (b) Replacement of existing vinyl windows or doors with same design.
- (c) Repair of existing roof material.
- (d) Repair of existing roof structures, such as cupolas, dormers and chimneys.
- (e) Repair of existing shingles, existing shutters, clapboards, or other siding, fences, or retaining walls, corniches, fretwork, and other decorative adornments.

~~A Project Coordinator review may be used for routine and minor Historic District new construction applications whose costs are estimated at less than \$15,000 and meet the requirements of this chapter. The requests may include such items as the addition of fences, signage, decking, patios, and other projects where the HPC has a history of approving similar projects. All Project Coordinator decisions are subject to periodic review by the HPC.~~

Section 2. Amend § 220-21 E with deletions shown by strike-through and additions shown by underline as follows:

(1) Before the construction, alteration, reconstruction, moving or demolition of any dwelling, residence or related structures on property within the Historic District or on historic properties not within the Historic District that would affect the exterior appearance of a structure visible or intended to be visible from an adjacent public way, the owner, agent or representative proposing to construct or change shall file with the Project Coordinator of the Town of Milton an application for permission from the HPC to rehabilitate, construct, build, alter, reconstruct, move, demolish or make the addition. Notation shall be made on all work permits for the Historic District: "Historic architectural elements shall not be removed, replaced, or altered during the act of performing the approved replacement, rehabilitation, or repair". Structures that have individual historic status by DOI shall be held to the higher DOI standards.

(2) The Town HPC approval/disapproval letter to applicants shall be reviewed and signed by the HPC Secretary or designated commission alternate prior to issuing to the applicant.

~~(2) Actions not requiring review by the HPC. Ordinary repairs, maintenance, and replacements that do not constitute a change to the appearance of the structure and using identical material include:~~

- ~~(a) Repair of existing windows or doors, including storm windows.~~
- ~~(b) Replacement of existing vinyl windows or doors with same design.~~
- ~~(c) Repair of existing roof material.~~
- ~~(d) Repair of existing roof structures, such as cupolas, dormers and chimneys.~~
- ~~(e) Repair of existing shingles, existing shutters, clapboards, or other siding, fences, or retaining walls.~~
- ~~(f) Change of paint color.~~

(3) Application and approval procedures for matters other than demolition.

(a) The applicant shall apply for a building permit; if the proposed site is in the Historic District, the Project Coordinator or designee shall notify the applicant that the project must be approved by the HPC [unless the project falls under § 220-21 E-(2) D (8)] and shall give the applicant an HPC application- with the notation: "Historic architectural elements shall not be removed, replaced or altered during the act of performing the approved replacement, rehabilitation, or repair."

(f) The HPC may either grant approval, grant approval with conditions, or deny the application. ~~A denial~~ The HPC approval/disapproval letter to applicants shall include the reasons that the proposal does not meet the criteria § 220-21F, Criteria, and § 220-21G, Standards. The approval/disapproval letter will be reviewed and signed by the HPC Chair or the Secretary or designated HPC alternate prior to issuing to the applicant. The applicant shall have the opportunity to resubmit the application with modifications; such resubmissions shall meet the same requirements as the original. If the second submission of the application is denied, the applicant may either modify the application for another submission or appeal the denial to the Board of Adjustment. In no event may the HPC make recommendations for changes that will require violation of other requirements of this chapter.

I, **John Collier**, Mayor of the Town of Milton, hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Mayor and Town Council of the Town of Milton at its meeting held on the 3rd day of July, **2023**, during a duly noticed meeting at which a quorum was present and voting throughout, and that the same is still in full force and effect.

  
**MAYOR**

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#### SYNOPSIS

This ordinance amends the Town Code's zoning ordinance relating to the Historic Preservation Overlay District. Specifically, the ordinance revises the requirement for reviews and who can administratively approve them.